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<p align="center">State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION</p> <p align="right">PUBLIC MATTER</p>		
<p>Counsel For The State Bar</p> <p>Ashod Mooradian Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1004</p> <p>Bar # 194283</p>	<p>Case Number(s): 11-O-18661-RAP</p>	<p>For Court use only</p> <p align="right">FILED JUL 03 2012 STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>James B. Sanborn 9947 DeSoto Ave., #11 Chatsworth, CA 91311 (818) 307-4000</p> <p>Bar # 80626</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: JAMES B. SANBORN</p> <p>Bar # 80626</p> <p>A Member of the State Bar of California (Respondent)</p>		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 23, 1978.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 14 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(Effective January 1, 2011)

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - ☐ Costs are added to membership fee for calendar year following effective date of discipline.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: Costs to be paid in equal amounts prior to February 1 for the following three billing cycles beginning from the 2014 membership year. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are entirely waived.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
 - (a) ☐ State Bar Court case # of prior case
 - (b) ☐ Date prior discipline effective
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☒ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. See Stipulation Attachment, page 11, section "C", paragraph 1.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See Stipulation Attachment, page 11, section "C", paragraph 2.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances

None.

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☒ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious. See Stipulation Attachment, page 11, section "D", paragraph 1.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. See Stipulation Attachment, page 11, section "D", paragraph 2.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.

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- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances

None.

D. Discipline:

(1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of two (2) years.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
 - ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
 - iii. ☐ and until Respondent does the following:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of two (2) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

- (1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (3) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (4) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (5) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.

- (6) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) ☐ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (8) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) ☒ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☐ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: .
- (2) ☒ **Other Conditions:**
- A) ETHICS SCHOOL: Not later than ninety (90) days prior to the end of the period of probation of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- B) MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION: Not later than ninety (90) days prior to the end of the period of probation of the discipline herein, Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation. Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.
- C) MCLE CREDIT: Respondent will not receive Minimum Continuing Legal Education (MCLE) credit for attending the State Bar Ethics School as required pursuant to paragraph F. (2)(A) above. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar of California.)

In the Matter of: JAMES B. SANBORN	Case Number(s): 11-O-18661-RAP
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Financial Conditions

a. Restitution

- ☒ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Tanya Cano	1,500.00	December 28, 2011

- ☒ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than six (6) months after the effective date of the Supreme Court order.

b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- ☐ If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

c. Client Funds Certificate

- ☐ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 - 1. the name of such client;
 - 2. the date, amount and source of all funds received on behalf of such client;
 - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 - 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 - 1. the name of such account;
 - 2. the date, amount and client affected by each debit and credit; and,
 - 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

- 2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
- 3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- ☐ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JAMES B. SANBORN

CASE NUMBER(S): 11-O-18661-RAP

**A. WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES
AND STIPULATED FACTS AND CULPABILITY:**

The parties waive any variance between the Notice of Disciplinary Charges ("NDC") filed on April 13, 2012, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

B. FACTS AND CONCLUSIONS OF LAW.

JAMES B. SANBORN ("Respondent") admits that the following facts are true and that he is culpable of violations of the specified Rules of Professional Conduct.

Facts:

1. On July 30, 2010, Tanya Cano ("Cano") and Respondent entered into an "Attorney-Client Retainer Agreement" which provided that Respondent would perform legal services on Cano's behalf in two separate matters: a Dissolution of Marriage action ("Dissolution") and a guardianship or adoption of a minor child action ("Guardianship/Adoption"). On that same date, Cano paid Respondent \$1,500.00 as advanced fees for his services.
2. Between July 2010 and May 2011, Cano spoke with Respondent several times by telephone to arrange for a follow-up meeting. During these telephone conversations with Cano, Respondent would agree to meet with Cano, but then without notice to Cano, would fail to appear for the meeting with Cano as promised and agreed.
3. At the end of May 2011, Cano personally went to Respondent's office to attempt to have a face-to-face meeting with Respondent regarding her Dissolution and Guardianship/Adoption. However, Respondent was not in his office at the time of Cano's visit.
4. On December 28, 2011, Cano sent Respondent a letter requesting a refund and an accounting. Respondent received Cano's letter.
5. At no time pertinent to these charges, did Respondent perform any legal services of value regarding Cano's Dissolution.

6. At no time pertinent to these charges did Respondent perform any legal services of value regarding Cano's Guardianship/Adoption.

7. From May 2011 up through December 2011, Cano called Respondent several times and left voicemail messages requesting a status update from Respondent regarding her Dissolution and Guardianship/Adoption. Respondent received the voicemail messages but he never returned any of Cano's voicemail messages.

8. Respondent withdrew from employment with Cano and did not take reasonable steps to avoid reasonably foreseeable prejudice to Cano.

9. To date, Respondent has not earned any of the \$1,500.00 advanced fees paid to him, has not refunded any unearned fees to Cano and has not provided an accounting to Cano.

Conclusions of law:

10. By failing to perform any legal services of value regarding Cano's Dissolution and by failing to perform any legal services of value regarding Cano's Guardianship/Adoption, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110 (A).

11. By not giving Cano notice of his withdrawal from employment with Cano, Respondent failed, upon withdrawal of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client, thereby improperly withdrawing from employment with a client in willful violation of Rules of Professional Conduct, rule 3-700 (A)(2).

12. By never returning Cano's voicemail messages or communicating with Cano in any other manner regarding the status of her Dissolution or Guardianship/Adoption between on or about May 2011 up through on or about December 2011, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code, section 6068(m).

13. By not refunding \$1,500.00 to Cano, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700 (D)(2).

14. By not providing Cano an accounting of the \$1,500.00 advanced fees that he received from her, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession in willful violation of Rules of Professional Conduct, rule 4-100 (B)(3).

C. FACTS SUPPORTING AGGRAVATION.

1. Respondent's misconduct evidences multiple acts of wrongdoing.¹ Respondent's misconduct herein involved five (5) counts of violations of the Rules of Professional Conduct and the State Bar Act.

2. Respondent's misconduct herein significantly harmed his client.² Due to Respondent's misconduct herein, Ms. Cano has been unable to establish legal guardianship or to adopt the minor child which would have ensured her ability to legally act on behalf of the child's medical, educational and other needs as the child grows into maturity and to protect the child from competing claims to physical and legal custody.

D. FACTS SUPPORTING MITIGATION.

1. Respondent has no prior record of discipline and had been admitted to the practice of law in California for over thirty-two (32) years when the misconduct herein occurred.³

2. Respondent has exhibited candor and significant cooperation with the State Bar of California.⁴ During the pendency of this matter, Respondent cooperated with the State Bar, informally providing information and documents that assisted the State Bar in its understanding of Respondent's misconduct herein. Finally, Respondent also cooperated in that he has stipulated to facts, conclusions of law and level of discipline.

E. AUTHORITIES SUPPORTING DISCIPLINE.

Aggravating & Mitigating Circumstances:

Standard 1.2(b) provides for a greater degree of sanction set forth in the standards where aggravating circumstances exist. As discussed above, in this case there are two aggravating circumstances. First, pursuant to Standard 1.2(b)(ii), Respondent's misconduct evidences multiple acts of wrongdoing. Second, pursuant to Standard 1.2(b)(iv), Respondent's misconduct herein significantly harmed his client.

Standard 1.2(e) provides for a more lenient degree of sanction than set forth in the standards where mitigating circumstances exist. As discussed above, there are two mitigating circumstances in this matter. First, pursuant to Standard 1.2(e)(i), Respondent has no prior record of discipline. Second, pursuant to Standard 1.2(e)(v), Respondent has exhibited candor and significant cooperation with the State Bar of California.

¹ Standard 1.2(b)(ii).

² Standard 1.2(b)(iv).

³ Standard 1.2(e)(i).

⁴ Standard 1.2(e)(v).

Applicable Standards:

Standard 1.3 provides that the primary purposes of attorney discipline are, “the protection of the public, the courts and the legal profession; the maintenance of high legal professional standards by attorneys and the preservation of public confidence in the legal profession.”

Standard 1.6(a) provides that if two or more acts of misconduct are found in the same proceeding, the sanction imposed shall be the more or most severe of the different applicable sanctions. Standard 1.6(b) provides that a greater or lesser degree of discipline than the appropriate sanction prescribed by these standards shall be imposed or recommended, depending on the net effect of the aggravating and mitigating circumstances, if any.

Standard 2.2(b) provides that culpability of a member of commingling of entrusted funds or property with personal property or the commission of another violation of rule 4-100, Rules of Professional Conduct, none of which offenses result in the wilful misappropriation of entrusted funds or property shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances.

Standard 2.4(b), in relevant part, provides that culpability of a member of wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Standard 2.6 provides that culpability of a member of a violation of any of the following provisions of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3:...(a) Sections 6067 and 6068....

Standard 2.10 provides that the culpability of a member for violation of any provision of the Business and Professions Code or any Rule of Professional Conduct not specified in the Standards shall result in reproof or suspension, according to the gravity of the offense or harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in Standard 1.3.

Standard 2.2(b) and Standard 2.6 provide for the most serious sanction. Application of 2.2(b) in this case would result in the imposition of a minimum three month actual suspension. Also, pursuant to Standard 1.6(b) a greater or lesser degree of discipline than the appropriate sanction prescribed by these standards shall be imposed or recommended, depending on the net effect of the aggravating and mitigating circumstances, if any. In this matter, Respondent is not venal, has a long history of no prior record of discipline, was cooperative and has agreed to pay restitution. These factors, among others, justify a downward deviation from the imposition of a minimum three month actual suspension sanction provided for under Standard 2.2(b).⁵

⁵ See *Matter of Bleecker* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 113. [16] [Where respondent had no prior or subsequent discipline; respondent was not venal; respondent's misconduct was an aberration occurring over a short period of time and contributed to by respondent's poor business judgment at a time when he was under financial pressures; respondent accepted responsibility for his misconduct, taking objective steps to avoid further misconduct;

Caselaw:

In *Van Sloten v. State Bar*,⁶ an attorney with no prior record of discipline represented a client for five months in a marital dissolution case. The attorney in *Van Sloten* submitted a proposed settlement agreement to the opposing side but then failed to communicate with his client, take action on the matter, or withdraw. After one year had passed, the client hired new counsel who completed the dissolution.

The attorney in *Van Sloten* claimed that he agreed to represent his client only if the client's spouse would agree to not contest the settlement agreement and otherwise cooperate. But the client's spouse refused to return the agreement. Then, the attorney in *Van Sloten* refused to take any further action, even though he made no attempts to formally withdraw from the case.

The Court concluded that a single act of failing to perform requested services without serious harm to the client, aggravated by the attorney's lack of appreciation for the discipline process and the charges against him, as demonstrated by his failure to appear at the review department proceedings, warranted a six-month suspension, stayed, one year of probation on conditions and no actual suspension.

Like *Van Sloten* the instant matter involves a failure to perform, a failure to communicate and abandonment in a single client matter. However, in this matter, Respondent misconduct is more serious because Respondent also failed to account and failed to refund unearned fees. In addition, Respondent's misconduct was aggravated by client harm and multiple acts of misconduct. But unlike the attorney in *Van Sloten*, in mitigation, Respondent had practiced law for over thirty-two (32) years prior to the misconduct in this matter and has agreed to pay complete restitution as part of his conditions of probation.⁷

F. PENDING PROCEEDINGS.

The disclosure date referred to on page two, paragraph A. (7) was June 26, 2012.

G. COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of June 26, 2012, the prosecution costs in this matter are \$6,944.00. Respondent acknowledges that this figure is an estimate only. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

and other mitigating factors existed, it was appropriate to recommend lesser sanction than minimum actual suspension indicated by applicable standards].

⁶ (1989) 48 Cal.3d 921

⁷ A restitution condition is in furtherance of respondent's rehabilitation. See *Sorensen v. State Bar* (1991) 52 Cal.3d 1036, 1044-1045.

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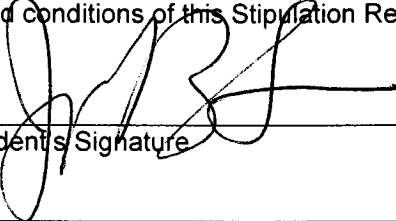
In the Matter of:
JAMES B. SANBORN

Case number(s):
11-O-18661-RAP

SIGNATURE OF THE PARTIES

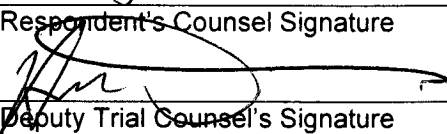
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

6/29/12
Date


Respondent's Signature

James B. Sanborn
Print Name

6/25/12
Date


Respondent's Counsel Signature
Deputy Trial Counsel's Signature

Ashod Mooradian
Print Name

In the Matter of: JAMES B. SANBORN	Case Number(s): 11-O-18661-RAP
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STAYED SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

Page 2, paragraph B.(4), line 2: the reference to "paragraph 1" is amended to read "paragraph 2".

Page 3, paragraph B.(7), line 3: the reference to "paragraph 2" is amended to read "paragraph 1".

Page 6: the boxes for paragraphs E.(7) and F.(1) are deemed checked, and the check in the box for paragraph F.(2), and the typed provisions thereunder, are deleted.

Page 9, paragraph B: The first sentence of this paragraph, appearing just above the heading "Facts," is amended to include the words "and section of the Business and Professions Code" is inserted after "Conduct".

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

7/3/12


DONALD F. MILES

Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 3, 2012, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

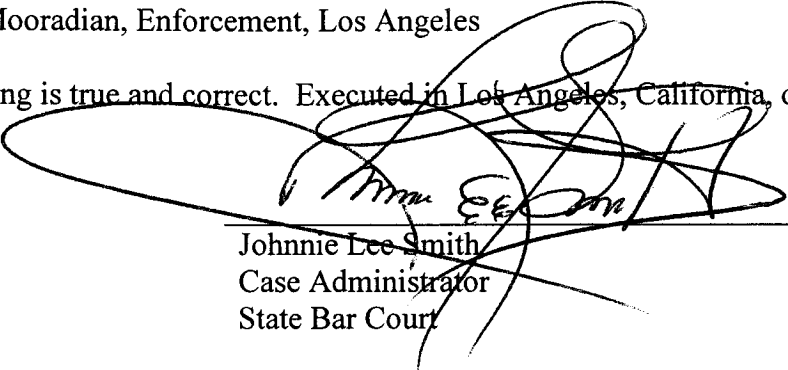
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JAMES BLINN SANBORN
9947 DESOTO AVE #11
CHATSWORTH, CA 91311

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Ashod Mooradian, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 3, 2012.



Johnnie Lee Smith
Case Administrator
State Bar Court